

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – SE/Corner Edwards
Lane and Park Road
(3407 Edwards Lane)
15th Election District
5th Councilmanic District

John T. O'Shea
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-298-SPHA
*

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, John T. O'Shea. The Petitioner sought approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Sections 517.2 (510.2) of the Building Code and Sections 26-670 and 26-172(d)(3) of the Baltimore County Code to permit the reconstruction of a shed as a single family dwelling in a tidal floodplain. In addition to the special hearing relief, the Petitioner requested a variance from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 0 feet to a zoning use division line in lieu of the required 10 feet for the proposed dwelling (said structure being converted from an existing shed). The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

At the hearing held on March 30, 1999, testimony revealed that the Petitioner proposed to connect public utilities to an existing shed and convert same into a single family dwelling for a family member. At issue was the fact that this shed is located in a floodplain. Testimony indicated that the shed was built several years ago, apparently with a valid building permit issued by Baltimore County. Information contained in the case file and received immediately after the hearing indicated that the elevation of the site where the shed is located (7.7 feet) is less than the minimum allowed (10.2 feet), pursuant to the Federal government guidelines. In addition, this

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5/24/99
6/1/99
etc

office received correspondence from the Maryland Department of the Environment indicating that they would be opposed to the granting of a waiver to allow construction of living quarters in a floodplain. Thus, by Order issued May 13, 1999, I denied the special hearing relief and dismissed the variance request as moot.

Subsequent to the issuance of said Opinion, this Zoning Commissioner received a copy of a letter from Mr. John T. O'Shea, requesting a reconsideration of my decision. Within his letter, Mr. O'Shea provided additional information that was not presented at the hearing. Specifically, he stated that the shed has always had water and electric; however, now has public sewage. More importantly, he submitted an elevation certificate that had been prepared by Kenneth J. Wells, Professional Engineer, dated February 18, 1999, which shows that the elevation of the subject property is at 12 feet, well over the minimum Federal Government Guidelines. In addition, the Petitioner has submitted a copy of the elevation drawing for the proposed dwelling (shed conversion) to the Office of Planning, who has no objections to the proposed development.

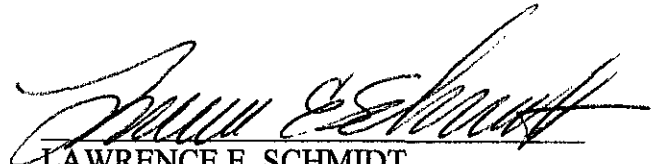
For all of these reasons, I am persuaded to grant the Petitioner's request for reconsideration and will therefore amend my prior Order to grant the requested relief.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of May, 1999 that the Order issued May 13, 1999 be and the same is hereby STRICKEN; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Sections 517.2 (510.2) of the Building Code and Sections 26-670 and 26-172(d)(3) of the Baltimore County Code to permit the reconstruction of a shed as a single family dwelling in a tidal floodplain, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 0 feet to a zoning use division line in lieu of the required 10 feet for a proposed dwelling (said structure being converted from an existing shed), be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with any Department of Environmental Protection and Resource Management (DEPRM) requirements relative to development within the Chesapeake Bay Critical Areas.
- 3) The proposed dwelling shall be constructed consistent with the elevation drawings approved by the Office of Planning, and the elevation certificate prepared by Kenneth J. Wells, P.E., dated February 18, 1999.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John T. O'Shea & Ms. Janet Schafer
3407 Edwards Lane, Baltimore, Md. 21220
Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401
DEPRM; Office of Planning; People's Counsel; Case File

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – SE/Corner Edwards
Lane and Park Road
(3407 Edwards Lane)
15th Election District
5th Councilmanic District

John T. O'Shea
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-298-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, John T. O'Shea. The Petitioner seeks approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Sections 517.2 (510.2) of the Building Code and Sections 26-670 and 26-172(d)(3) of the Baltimore County Code to permit the reconstruction of a shed as a single family dwelling in a tidal floodplain. In addition to the special hearing relief, the Petitioner requests a variance from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 0 feet to a zoning use division line in lieu of the required 10 feet for a proposed dwelling (said structure being converted from an existing shed). The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were John T. O'Shea, property owner, and Janet Schafer. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped lot, approximately .79 acres in area, zoned D.R.5.5, and is located on the southeast corner of the intersection of Edwards Lane and Park Road in Bowley's Quarters. Although not waterfront, the property is located near Frog Mortar Creek in southeastern Baltimore County. The property is presently improved with a one and one-half story single family dwelling, known as 620 Edwards

5/13/99
5/13/99
5/13/99

Lane, a 20' x 20' framed garage, and an accessory building which is the subject of this request. That building is 20' x 46' in dimension and fronts on Park Road. Moreover, the shed immediately abuts the zoning use division line separating that portion of the lot containing only the shed from that portion of the property containing the house and the garage. The shed is also set back approximately 12 feet from the neighboring tract which is owned and utilized by the Tradewinds Marina. Moreover, the shed is located in a floodplain.

The Petitioner originally sought only variance relief to allow a side yard setback of 0 feet from a zoning use division line in lieu of the required 10 feet. Indeed, the grant of such relief appears appropriate. The reduced setback is from an internal lot line which transects Mr. O'Shea's property. Moreover, as noted on the Zoning Advisory Committee comment submitted by the Office of Planning, "The requested 0-foot setback is between the garage belonging to the property owner and the shed that is proposed to be converted into a dwelling. As the rear of the lot abuts a boatyard, the requested relief should not negatively impact adjacent property owners."

Although the grant of that portion of the Petition for Variance relief seems appropriate, the Petitioner also needs special hearing approval to proceed with the proposed conversion. Specifically, the Petitioner proposes connecting public utilities to the shed and converting same to a dwelling for Ms. Schafer's daughter. Apparently, the daughter currently lives with Mr. O'Shea and Ms. Schafer in the dwelling known as 620 Edwards Lane.

Further testimony and evidence demonstrated that the shed was constructed several years ago, pursuant to a valid building permit issued by Baltimore County. It is not clear why the County issued the permit in view of the shed's location in a floodplain. In this regard, information contained in the case file and received immediately after the hearing is dispositive to the conclusion that the elevation of the site where the shed is located is 7.7 feet. Moreover, the floodplain maps show that the minimum elevation for any living area and/or utilities must be 10.2 feet, pursuant to the Federal government guidelines. The Petitioners offered no substantial proof as to why a waiver should be granted and the Federal guidelines ignored in this case. Admittedly, the County was in error when it issued a permit for the shed; however, at that time, there were no

living quarters proposed. Moreover, the shed does not contain public utilities at this time. In my judgment, that error would be compounded if a waiver was granted. Furthermore, this office is in receipt of a copy of a letter dated February 23, 1999 from John M. Joyce, Community Assistance Program of the Maryland Department of the Environment to Robert W. Bowling, in which he states "We cannot support a variance to waive the floodplain construction requirements in the conversion of an accessory structure to living space, and do not feel that the County can justify doing so. To do so would be in opposition to the requirements for Baltimore County to be in the National Flood Insurance Program." Clearly, conversion will represent a significant upgrade to that building.

For all of these reasons, I am persuaded that the Petition for Special Hearing should be denied. The Petitioners have not presented any evidence that either the proposed renovation is not a substantial improvement to the property, or that the improvements can be constructed in such a manner so as to raise the level of the living space in the building above the floodplain elevation. Thus, the Petition for Special Hearing must be denied. Inasmuch as the special hearing is being denied, the variance relief for the proposed dwelling shall be dismissed as moot.


Pursuant to the advertisement, posting of the property and public hearing held thereon, and for the reasons set forth above, the Petition for Special Hearing shall be denied, and the Petition for Variance granted.

13th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May, 1999 that the Petition for Special Hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Sections 517.2 (510.2) of the Building Code and Sections 26-670 and 26-172(d)(3) of the Baltimore County Code to permit the reconstruction of a shed as a single family dwelling in a tidal floodplain, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 0 feet to a zoning use division line in

lieu of the required 10 feet for a proposed dwelling (said structure being converted from an existing shed), be and is hereby DISMISSED; and,

IT IS FURTHER ORDERED that the Petitioners have thirty (30) days from the date of this Order to file an appeal of this decision.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

5/13/99
Jep



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 12, 1999

Mr. John T. O'Shea
Ms. Janet Schafer
3407 Edwards Lane
Baltimore, Maryland 21220

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/Corner Edward Lane and Park Road
(3407 Edwards Lane)
15th Election District – 5th Councilmanic District
John T. O'Shea – Petitioner
Case No. 99-298-SPHA

Dear Mr. O'Shea & Ms. Schafer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petitioner for Variance dismissed, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401
DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Variance

AND SPECIAL HEARING
to the Zoning Commissioner of Baltimore County

for the property located at 3407 Edwards Ln

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02, 3.0.1. TO PERMIT A SIDE YARD SETBACK OF 0 FT. TO A ZONING USE DIVISION LINE FOR A PROPOSED DWELLING (BEING CONVERTED FROM AN EXISTING SHED) IN LIEU OF THE REQUIRED 10 FT. AND A SPECIAL HEARING TO APPROVE A WAIVER PURSUANT TO SECTIONS 500.6 BCCR; SECTION 517.2 (510.2) BUILDING CODE AND SECTIONS 26-670, 26-172 (d)(3), BCC of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DETERMINED AT HEARING. FOR A WAIVER PURSUANT TO SECTION 500.6 BCCR; SECTION 517.2 (510.2) BUILDING CODE AND SECTIONS 26-670, 26-172 (d)(3), BCC
TO PERMIT REBUILDING OF A SHED NOW TO BECOME A DWELLING IN A TIDAL FLOOD PLAIN

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 99-298-ASPH

REV 9/15/98

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 2/10/99

298

Zoning

Description

Zoning Description for 3407 Edwards Lane, Baltimore, MD 21221

Beginning at a point on the corner of Edwards Lane and Park Rd
SOUTH EAST

Being Lot #1 in the subdivision of Philip Edwards

as recorded in Baltimore County Plat Book #47, Folio #2

containing .79 acres also known as and located in the 15 Election
District, 05 Councilmanic District.

JS

99-298-SPHA

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-298-SPHA

3407 Edwards Lane SEC Edwards Lane and Park Road

15th Election District 5th Councilmanic District

Legal Owner(s): John T. O'Shea

Special Hearing: for a waiver pursuant to Section 500.6, BCZR; Section 517.1 (510.1), Building Code; and Sections 26-670, 26-172(a)(3), BOC to permit rebuilding of a shed now to become a dwelling in a tidal floodplain. Variance: to permit a side yard setback of zero feet to a zoning use division line for a proposed dwelling in lieu of the required 10 feet.

Hearing: Tuesday, March 30, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, please contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the file and/or hearing, contact the Zoning Review Office at (410) 887-3391.

3/166 March 11

C296494

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/11/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/11/, 1999

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MAR. AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 2/4/99 ACCOUNT 298-298 No. 063098
AMOUNT \$ 50.00

RECEIVED FROM: SCHAFER

FOR: RV FILING

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
2/04/1999 2/04/1999 11:36:50
RE: MS06 CASHIER MUEL MRW DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 066495 OFLN
CR NO. 063098

50.00 CHECK
Baltimore County, Maryland

298-298.SPHA

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 99-298-SPHA
PETITIONER/DEVELOPER:
(John T. O'Shea)
DATE OF Hearing
(Mar. 30, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
3407 Edwards Lane Baltimore, Maryland 21220_____

3-14-99 _____
[Month, Day, Year]

Sincerely,

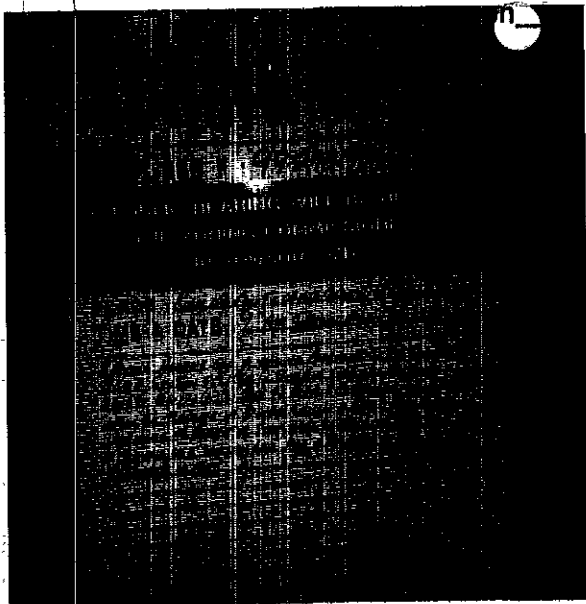

[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
[Telephone Number]



RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
3407 Edwards Lane, SEC Edwards Ln and Park Rd,
15th Election District, 5th Councilmanic

Legal Owners: John T. O'Shea

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-298-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of February, 1999, a copy of the foregoing Entry of Appearance was mailed to Legal Owner John T. O'Shea, 3407 Edwards Lane, Baltimore, MD 21220, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 22, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-298-SPHA
3407 Edwards Lane
SEC Edwards Lane and Park Road
15th Election District – 5th Councilmanic District
Legal Owner: John T. O'Shea

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 517.1 (510.1), Building Code; and Sections 26-670, 26-172(a)(3), BCC to permit rebuilding of a shed now to become a dwelling in a tidal floodplain. Variance to permit a side yard setback of zero feet to a zoning use division line for a proposed in lieu of the required 10 feet.

HEARING: Tuesday, March 30, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Arnold Jablon
Director

c: John T. O'Shea

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 15, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



TO: PATUXENT PUBLISHING COMPANY
March 11, 1999 Issue – Jeffersonian

Please forward billing to:

John T. O'Shea
3407 Edwards Lane
Baltimore, MD 21220

410-335-3624

NOTICE OF ZONING HEARING

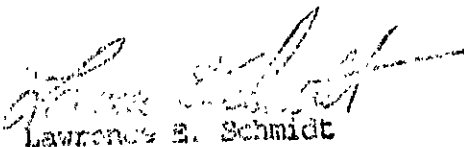
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3407 Edwards Lane
SEC Edwards Lane and Park Road
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HEARING: Tuesday, March 30, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

TC to Kathy -
Jeff 3/5/99 -
will correct



Lawrence E. Schmidt

4)

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-298-~~#~~ SPHA
Petitioner: JOHN T. O'SHEA
Address or Location: 3407 EDWARDS LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN T. O'Shea
Address: 3407 EDWARDS LN
BALTO MD 21220
Telephone Number: 410 335-3624

2/17/99 JAA.

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICECase No.: 99-298-SPA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A VARIANCE TO PERMIT A 0 FT. SIDEYARD SETBACK IN LIEU OF THE REQUIRED 10 FT.
FROM A ZONING-USE DIVISION LINE (FOR A PROPOSED DWELLING CONVERSION FROM A SHED) AND A
SPECIAL HEARING FOR A WAIVER PURSUANT TO SECTION 500.6, BCCR; SECTION 517.2 (510.2)
BUILDING CODE; AND SECTIONS ~~26-670~~, 26-670, 26-172 (3)(3), BCC TO PERMIT
REBUILDING OF A SHED ^{NOW} TO BE CONVERTED TO A DWELLING IN A TIDAL FLOODPLAIN

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 25, 1999

Mr. John T. O'Shea
3407 Edwards Lane
Baltimore, MD 21220

RE: Case No.: 99-298-ASPH
Petitioner: John T. O'Shea
Location: 3407 Edwards Lane

Dear Mr. O'Shea:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 10, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

March 11, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 22, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

298, 305, 307, 308, 309, 310, ~~311~~, 312,

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS 1102F

cc: File

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on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: March 19, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for February 29, 1999
 Item No. 298

 The Bureau of Development Plans Review did not receive a plan for
the subject zoning item.

RWB:HJO:jrb

cc: File

ZONE0229.298

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: -----

FROM: R. Bruce Seeley, Project Manager *RBS/JP*
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: *2/22*

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s:

298

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: March 1, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 3407 Edwards Lane

INFORMATION:

Item Number: 298

Petitioner: John T. O'Shea

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested variance to allow a side yard setback of 0 feet to a zoning use division line in lieu of the required 10 feet.

The requested 0-foot setback is between a garage belonging to the property owner and a shed that is being converted to a dwelling. As the rear of the lot abuts a boatyard, the requested relief should not negatively impact adjacent property owners.

Section Chief: 

AFK/JL:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.19.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

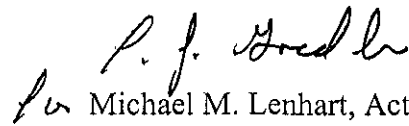
RE: Baltimore County
Item No. 298 JLL

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

99-298-SPHA

BALTIMORE COUNTY GOVERNMENT
DEPARTMENT OF PUBLIC WORKS
DIRECTOR'S OFFICE
410-887-3452 OR 410-887-3984

FLOODPLAIN DETERMINATION

Date: 02-08-99

Prepared By: Suzanne Hale *shale*

Requested By: Zoning Review Office
Attn: John Lewis
Variance: 99-298 - *SPHA*

Address: 3407 Edwards Lane
Baltimore MD 21220

Floodmap: 240010-435

Zone: C

Elevation: 7.7

Comments: **Baltimore County Planometrics (1995) shows ground elevation 7.7 feet; which places the property in the 100 year tidal floodplain.**

Ref: Variance 99-298; must comply with Floodplain Ordinance County Council Bill 173-93.

This determination is based on the best information made available to Baltimore County. This letter does not imply that the referenced property will or will not be free from flooding or damage. A property not in a flood zone may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This letter does not create liability on the part of the County, or any officer or employee thereof, for any damage that results from reliance on this determination.



MARYLAND DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway • Baltimore Maryland 21224

(410) 631- 3000 • 1- 800 -633-6101 • [http:// www.mde.state.md.us](http://www.mde.state.md.us)

Parris N. Glendening
Governor

Jane T. Nishida
Secretary

February 23, 1999

Larry Schmidt

Mr. Robert W. Bowling
Development Plans Review Division
County Office Building, Rm. 211
111 West Chesapeake Avenue
Towson, MD 21204

MAR 29

RE: O'Shea Garage Conversion Request - #298

Dear Mr. Bowling:

Thank you for the opportunity to comment on a request by Mr. John T. O'Shea to convert a shed to a dwelling at 3407 Edwards Lane in Baltimore County. Under its floodplain management ordinance, Baltimore County cannot allow conversion of an accessory structure into habitable space without first ensuring that it meets all requirements pertaining to floodplain residential structures. Current code requirements governing floodplain construction, include elevating the building one foot above the flood elevation (FPE) and venting enclosed areas below the flood elevation. Vented enclosed areas below the FPE may only be used for limited storage and parking of vehicles, not living space. All electrical and mechanical equipment must also be elevated to or above the FPE.

We cannot support a variance to waive the floodplain construction requirements in the conversion of an accessory structure to living space, and do not feel that the County can justify doing so. To do so would in opposition to the requirements for Baltimore County to be in the National Flood Insurance Program. Please note that sheds and garages are granted a permit with a provision that they cannot be used for living quarters.

Once the shed can be made to meet all floodplain requirements as a residential structure, a Certificate of Occupancy may be issued to allow legal use as a residence. Prior to that, it can only be used for what it was originally intended.

I hope that the above comments will assist Baltimore County in its consideration of this waiver request. Thank you for your attention to good floodplain management.

Please feel free to contact me at (410) 631-3914 if you have questions or need additional assistance.

Sincerely,

John M. Joyce

John M. Joyce
Community Assistance Program

RECEIVED
MAR 2 1999

JMJ

DEVELOPMENT PLANS REVIEW SECTION
COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204

KEEP IN FILE.
AUTHORIZATION FOR
REVISIONS TO 99-298 SPHA.

John T. O'Shea
3407 EDWARDS LANE
BALTIMORE, MD 21220
BALTIMORE
Phone 410-574-2121
Home Phone 410-335-3624

February 06, 1999

John Lewis
Balto. Co. Office Bldg.
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case #99-298-ASPH

Dear John,

I authorize Baltimore County to change my plans and petition for acceptance for special hearing for Flood Plain issues to accompany this variance and I accept responsibility for the accuracy of the information as provided by Baltimore County.

Sincerely,



John T. O'Shea
Property Owner
3407 Edwards Lane
Baltimore, MD 21220

2/4/99 FILING INFO
FOR RECORD CONCERNING

3407 EDWARDS, LA.

99-298-A(SPH)

THE APPLICANT APPLIED FOR ZONING VARIANCE FOR A ZONING USE DIVISION LINE SETBACK FOR A PROPOSED CONVERSION OF AN ^{EXISTING} ACCESSORY BLDG. TO A DWELLING. AS REQUIRED ON THE HEARING CHECKLIST THE APP. WAS ASKED FOR FLOOD PLAIN INFO. SINCE APP. WAS UNCERTAIN, A CHECK OF THE FIRM MAP INDICATED A ZONE OF "BAND C" WHILE THE PROVIDED TOPO MAPS INDICATED A 7 FT ± ELEV. WHICH IS IN FLOOD PLAIN. THE PLAN WAS THEREFORE FLAGGED AS FLOODPLAIN AND APP. WAS ADVISED TO DISCUSS THEIR PROPOSAL WITH PLANS REVIEW. THE VAR. WAS ~~REJECTED~~ ACCEPTED WITH THIS INFORMATION.

ON 2/4/99. ~~SEE~~ LATER THAT DAY TONY BUCKLEMAN OF PLANS REVIEW DISCOVERED THAT THE SHED HAD BEEN RAZED AND RECENTLY (JAN 1997) REBUILT AS AN ACCESSORY BLDG UNDER AN ISSUED BLDG. PERMIT.

THE 1997 BLDG. PERMIT DID NOT INDICATE THAT THE SITE WAS IN A FLOOD PLAIN. THE 7.7 FT. ACTUAL ELEV. WAS CONFIRMED BY MISS SUE HALE OF DPW ON THIS SAME DATE. IN A MEETING WITH

(THIS DATE) MR. ~~ARNOLD~~ ARNOLD JABLON (DIRECTOR) IT WAS DETERMINED THAT A SPECIAL HEARING WOULD BE NECESSARY FOR THE CONSTRUCTION OF THE EXISTING ACC. BLDG NOW PROPOSED FOR A DWELLING IN THE FLOOD PLAIN. I ~~CONTINUED~~ ATTEMPTED TO CONTACT APP. AND ON 2/5/99 SPOKE TO JANET SCHAFER ADVISING HER OF THIS ADDITIONAL REQUIREMENT AND THAT PER MR. JABLON THE SPECIAL HEARING COULD BE COMBINED WITH THE VARIANCE PETITION AND THAT THE SPECIAL HEARING ZONING/WAIVER FEES WOULD BE WAIVED. THERE IS A REQUIREMENT THAT THE DIRECTOR OF DPW GIVE A WAIVER APPROVAL AND THE COUNTY WILL ATTEMPT TO GET AN EXPEDITED REVIEW FOR WAIVER IF POSSIBLE, DUE TO THE UNUSUAL CIRCUMSTANCES. I CALLED BOB BOWLING & LEFT MSG TO GET CLARIFICATION ON THIS ISSUE. I WILL CONTACT APP ASAP WITH BOB'S DECISION.

IN ORDER TO CHANGE THE PETITION FORMS AND PLANS I NEED WRITTEN CONFIRMATION FROM OWNER ^(MR OSHEA) AUTHORIZING BALTO CO TO CHANGE THEM ^{AND ACCEPTING RESPONSIBILITY.} FOR THE PURPOSE OF THIS HEARING. ONCE THESE ISSUES ARE RESOLVED FOR PERMISSION AND CHANGE OF PLANS WE WILL FINISH PROCESSING APPLICATION INTO ZAC AGENDA

DISCUSSED WITH
JANET SCHAFER
BY PHONE 2/10/99

DISCUSSED BY PHONE WITH MS. SCHAFER 2/5/99
AUTH. LTR ON WAY I WILL KEEP HER INFORMED OF STATUS,
PER BOB BOWLING THEY WILL PROVIDE AN ELEVATION CERT. ASAP.

J. Lewis 2/5/99

To: Lawrence Schmidt
Commissioner

From: John O'Shea
Janet Schafer (410.574-1330)

Please see attached. Thank you.
3 pages

ELEVATION CERTIFICATE
FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

O.M.B. No 3067-0077
Expires May 31, 1993

ATTENTION: Use of this certificate does not provide a waiver of the flood insurance purchase requirement. This form is used only to provide elevation information necessary to ensure compliance with applicable community floodplain management ordinances, to determine the proper insurance premium rate, and/or to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR). Instructions for completing this form can be found on the following pages.

SECTION A PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
BUILDING OWNER'S NAME <u>John T. O'Shea</u>		POLICY NUMBER
STREET ADDRESS (including Apt., Unit, Suite and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER <u>3407 Edwards Lane (previously known as 620 Edwards Lane)</u>		COMPANY NAIC NUMBER
OTHER DESCRIPTION (Lot and Block Numbers, etc.) <u>Lot 1 of Plat 47/2</u>		
CITY <u>Baltimore</u>	STATE <u>Maryland</u>	ZIP CODE <u>21220</u>

SECTION B FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM (See Instructions):

1. COMMUNITY NUMBER	2. PANEL NUMBER	3. SUFFIX	4. DATE OF FIRM INDEX	5. FIRM ZONE	6. BASE FLOOD ELEVATION (in AO Zones, use depth)
<u>240010</u>	<u>0435</u>	<u>B</u>	<u>MARCH 2, 1981</u>	<u>A</u>	<u>10</u>

7. Indicate the elevation datum system used on the FIRM for Base Flood Elevations (BFE): ☐ NGVD '29 ☒ Other (describe on back)
8. For Zones A or V, where no BFE is provided on the FIRM, and the community has established a BFE for this building site, indicate the community's BFE: feet NGVD (or other FIRM datum—see Section B, Item 7).

SECTION C BUILDING ELEVATION INFORMATION

1. Using the Elevation Certificate Instructions, indicate the diagram number from the diagrams found on Pages 5 and 6 that best describes the subject building's reference level 8.
2(a). FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of 112.0 feet NGVD (or other FIRM datum—see Section B, Item 7).
(b). FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level from the selected diagram, is at an elevation of feet NGVD (or other FIRM datum—see Section B, Item 7).
(c). FIRM Zone A (without BFE). The floor used as the reference level from the selected diagram is feet above ☐ or below ☐ (check one) the highest grade adjacent to the building.
(d). FIRM Zone AO. The floor used as the reference level from the selected diagram is feet above ☐ or below ☐ (check one) the highest grade adjacent to the building. If no flood depth number is available, is the building's lowest floor (reference level) elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown
3. Indicate the elevation datum system used in determining the above reference level elevations: ☐ NGVD '29 ☒ Other (describe under Comments on Page 2). (NOTE: If the elevation datum used in measuring the elevations is different than that used on the FIRM [see Section B, Item 7], then convert the elevations to the datum system used on the FIRM and show the conversion equation under Comments on Page 2.)
4. Elevation reference mark used appears on FIRM: ☐ Yes ☒ No (See Instructions on Page 4)
5. The reference level elevation is based on: ☒ actual construction ☐ construction drawings
(NOTE: Use of construction drawings is only valid if the building does not yet have the reference level floor in place. In which case this certificate will only be valid for the building during the course of construction. A post-construction Elevation Certificate will be required once construction is complete.)
6. The elevation of the lowest grade immediately adjacent to the building is: 112.4 feet NGVD (or other FIRM datum—see Section B, Item 7).

SECTION D COMMUNITY INFORMATION

1. If the community official responsible for verifying building elevations specifies that the reference level indicated in Section C, Item 1 is not the "lowest floor" as defined in the community's floodplain management ordinance, the elevation of the building's "lowest floor" as defined by the ordinance is: feet NGVD (or other FIRM datum—see Section B, Item 7).
2. Date of the start of construction or substantial improvement:

SECTION E CERTIFICATION

This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state or local law to certify elevation information when the elevation information for Zones A1-A30, AE, AH, A (with BFE), V1-V30, VE, and V (with BFE) is required. Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification. In the case of Zones AO and A (without a FEMA or community issued BFE), a building official, a property owner, or an owner's representative may also sign the certification.

Reference level diagrams 6, 7 and 8 - Distinguishing Features-If the certifier is unable to certify to breakaway/non-breakaway wall, enclosure size, location of servicing equipment, area use, wall openings, or unfinished area Feature(s), then list the Feature(s) not included in the certification under Comments below. The diagram number, Section C, item 1, must still be entered.

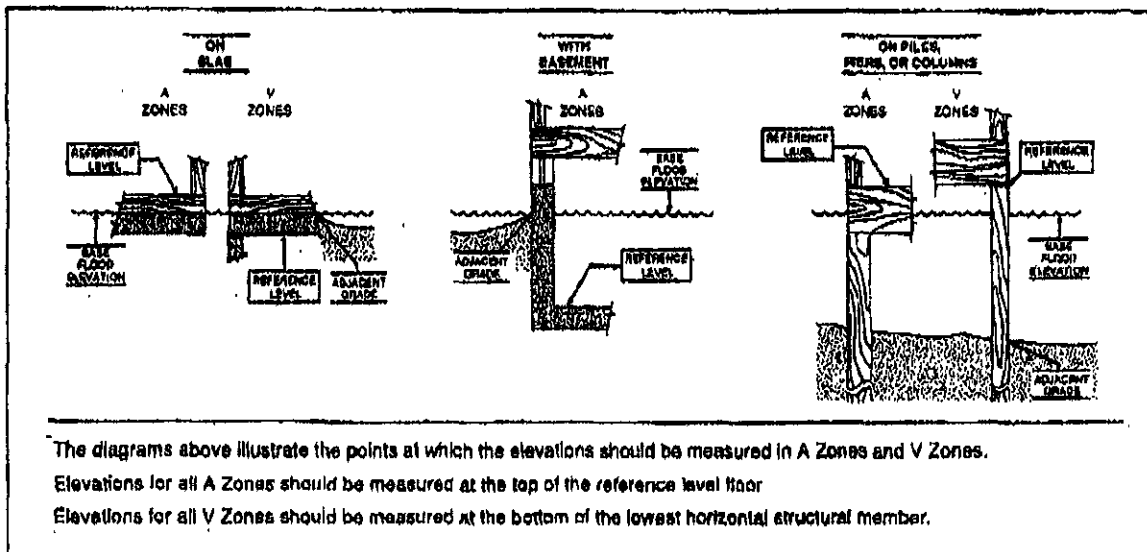
I certify that the information in Sections B and C on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Kenneth J. Wells	238	
CERTIFIER'S NAME	LICENSE NUMBER (or Affix Seal)	
President	kiwellsinc	
TITLE	COMPANY NAME	
7403 New Cut Road	Kingsville	Maryland 21087
ADDRESS	CITY	STATE ZIP
<i>Kenneth J. Wells</i>	2/18/99	410-592-8800
SIGNATURE	DATE	PHONE

Copies should be made of this Certificate for: 1) community official, 2) insurance agent/company, and 3) building owner.

COMMENTS: The elevations stated hereon are based on Baltimore County Datum as stipulated on the Flood

Insurance Rate Map.



#298

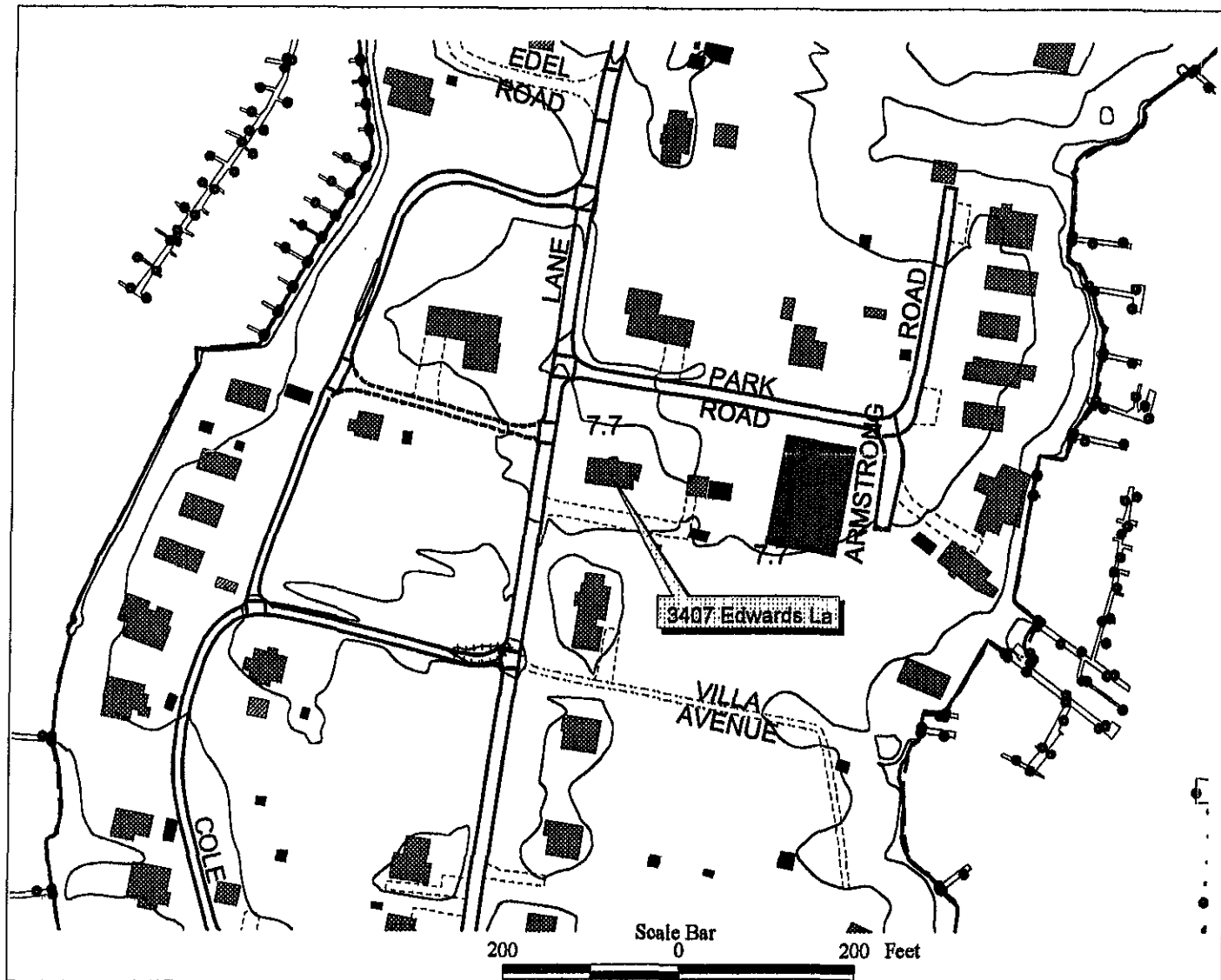
SEE ATTACHMENT ON
FLOOD ZONE FROM DPW

SUE HALE, FIRM MAP C+B ZONE

GIS 7.7 FT, ~~XXXXXXXXXXXXXXXXXXXX~~

99-298-SPHA

Floodplain Determination
Department of Public Works
Director's Office



Property: 3407 Edwards Lane Baltimore MD 21220
Property Account #: 16-00-003303

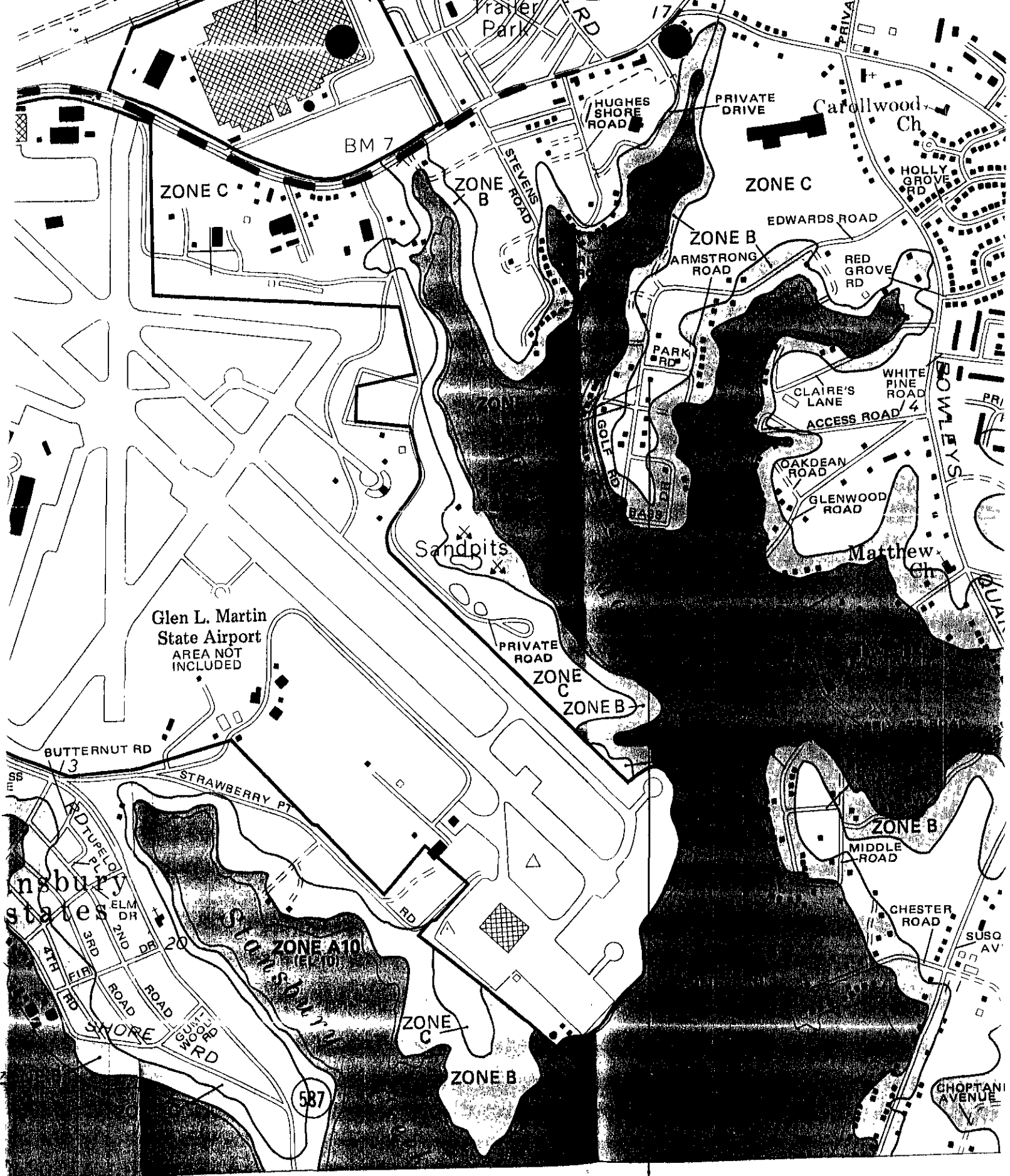
Co-ordinate System:
MD State Plane NAD 83/91 Horizontal

Elevations shown in feet; Baltimore County Datum

Date of Capture: March, 1995
Scale of Data Capture: 1" = 100'

Map Plotted at 1" = 200'.

Date: 2-8-99 S. Hale



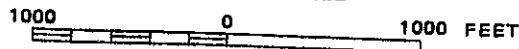
3407 Edwards La

date shown on this map to determine when actuarial rates apply to structures in the zones where elevations or depths have been established.

To determine if flood insurance is available in this community, contact your insurance agent, or call the National Flood Insurance Program at (800) 638-6620, or (800) 424-8872.



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP**

**BALTIMORE COUNTY,
MARYLAND
(UNINCORPORATED AREAS)**

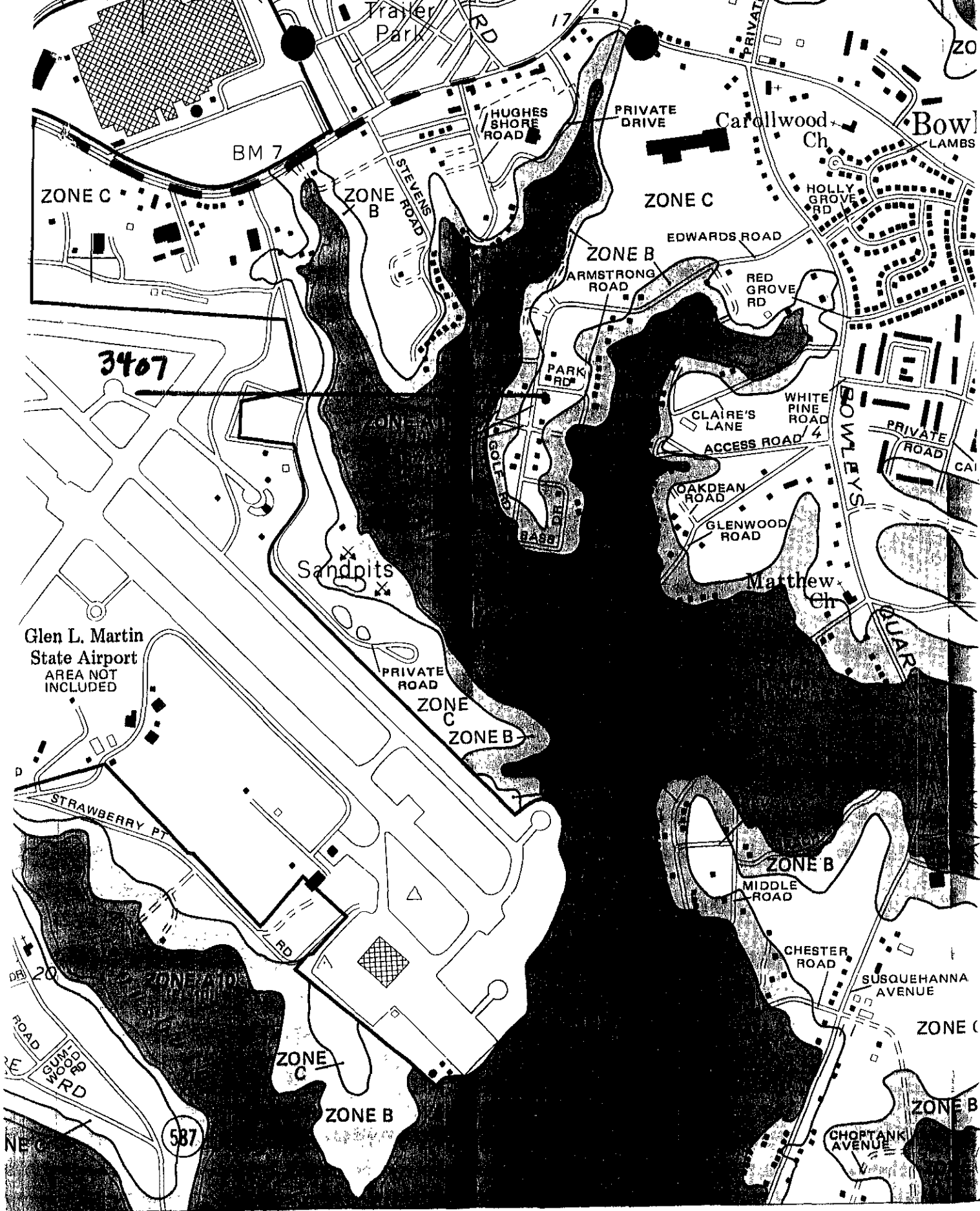
PANEL 435 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER
240010 0435 B**

**EFFECTIVE DATE:
MARCH 2, 1981**



**federal emergency management agency
federal insurance administration**



GROUND Elevation per GIS 7.7.1
 FIRM shows property Zone C & B. PHale X3452

Refer to the FLOOD INSURANCE RATE MAP EFFECTIVE date shown on this map to determine which actuarial rates apply to structures in the zones where elevations or depths have been established.

To determine if flood insurance is available in this community, contact your insurance agent, or call the National Flood Insurance Program at (800) 638-6620, or (800) 424-8872.



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**BALTIMORE COUNTY,
MARYLAND**
(UNINCORPORATED AREAS)

PANEL 435 OF 575

(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
240010 0435 B

EFFECTIVE DATE:
MARCH 2, 1981



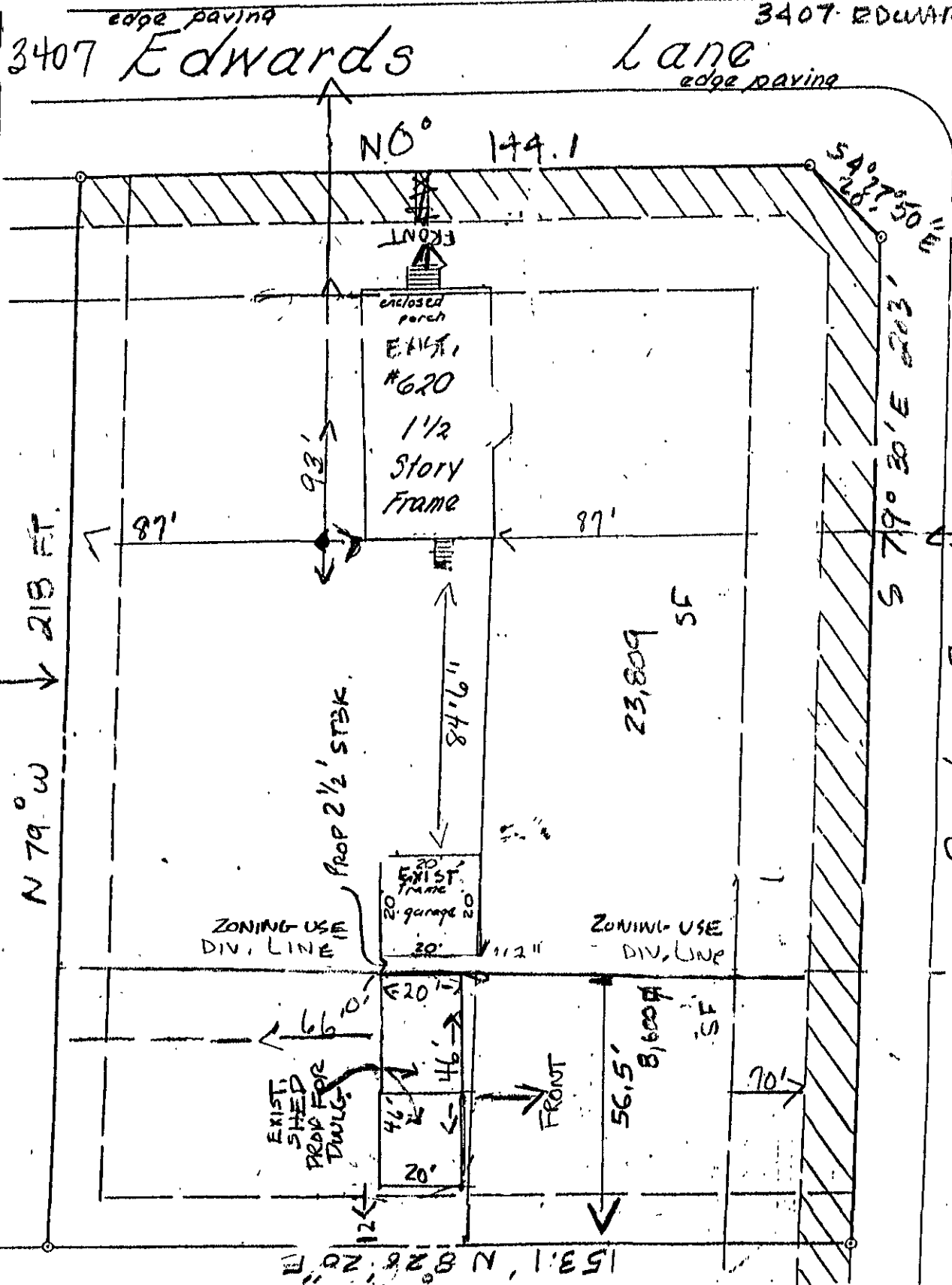
federal emergency management agency
federal insurance administration

PLAN FOR ZONING VARIANCE AND SPECIAL HEARING (FOR A 0' PROPOSED DWELLING SETBACK TO A ZONING USE DIVISIONAL LINE)

known as Lot 1, as shown on AMENDED LOTS 1 & 2, PLAT OF LOT 3 of THE PLAT OF PROPERTY PHILIP EDWARDS, 34-57, which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. 47, Folio 2.

VARIANCE

OWNER: John T. O'Shea
 3407 EDWARDS LA.



ELEV. 7.7 FT
 ELEV. 7.7 FT
 NOT IN FLOOD PLAIN
 COUNCILMAN DISTRICT 5

ELECTION DISTRICT 15

1"=200' SCALE MAP
 NE 4J
 NE 4K, 43K
 ZONING: DR 5.5
 LOT SIZE:
 .79 32409
 ACREAGE 58 FT

Ches. BAY Area
 Y X N
 SEWER Y
 WATER Y

TO BUREYS QUARTERS RD.

VICINITY MAP

APPLICANT RESPONSIBLE FOR ACCURACY OF INFO. AS DRAWN BY BALTO CO.

SCALE: 1"=30'

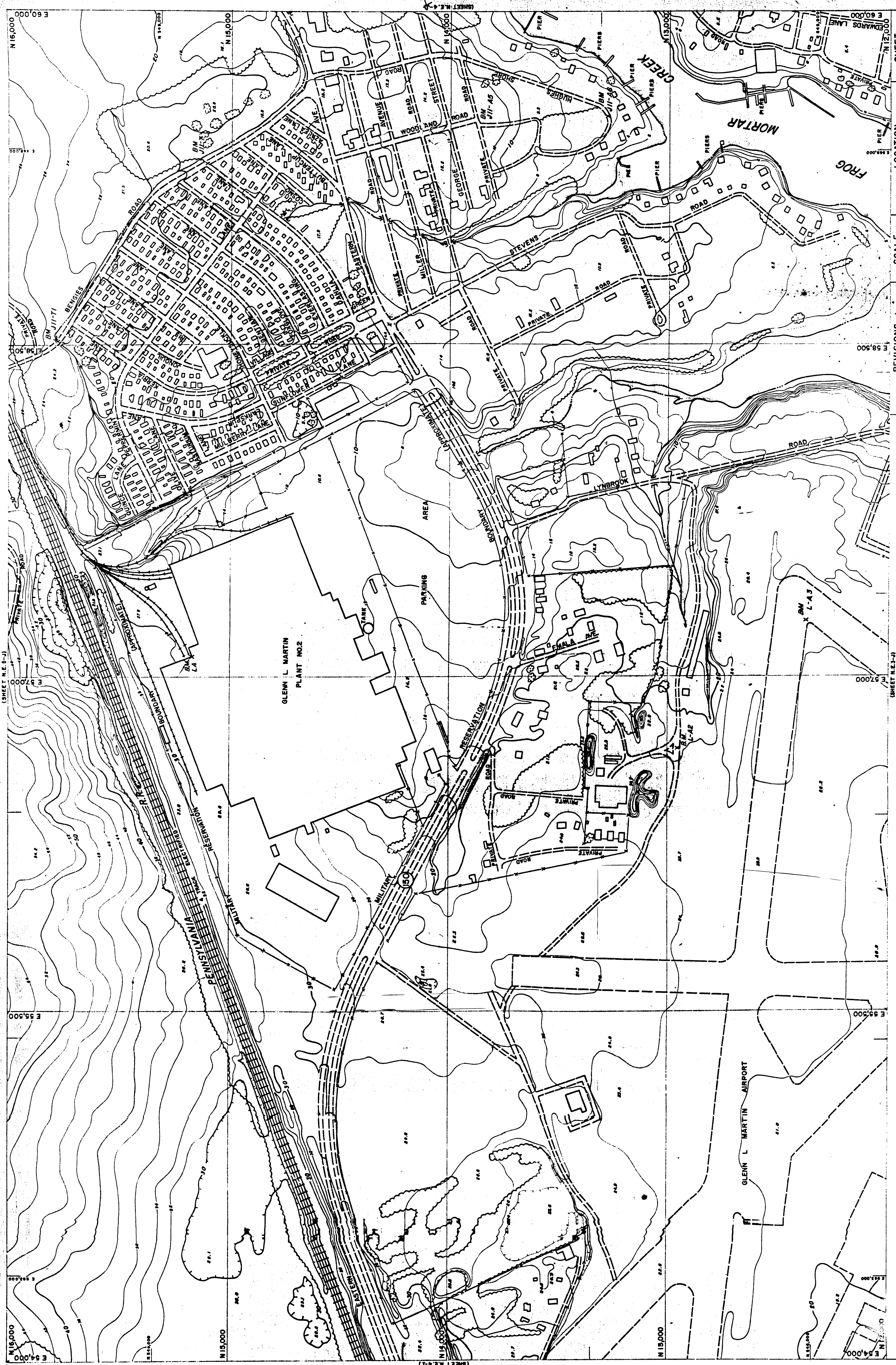
Janet C. Schaper

298

99-298-SPHA



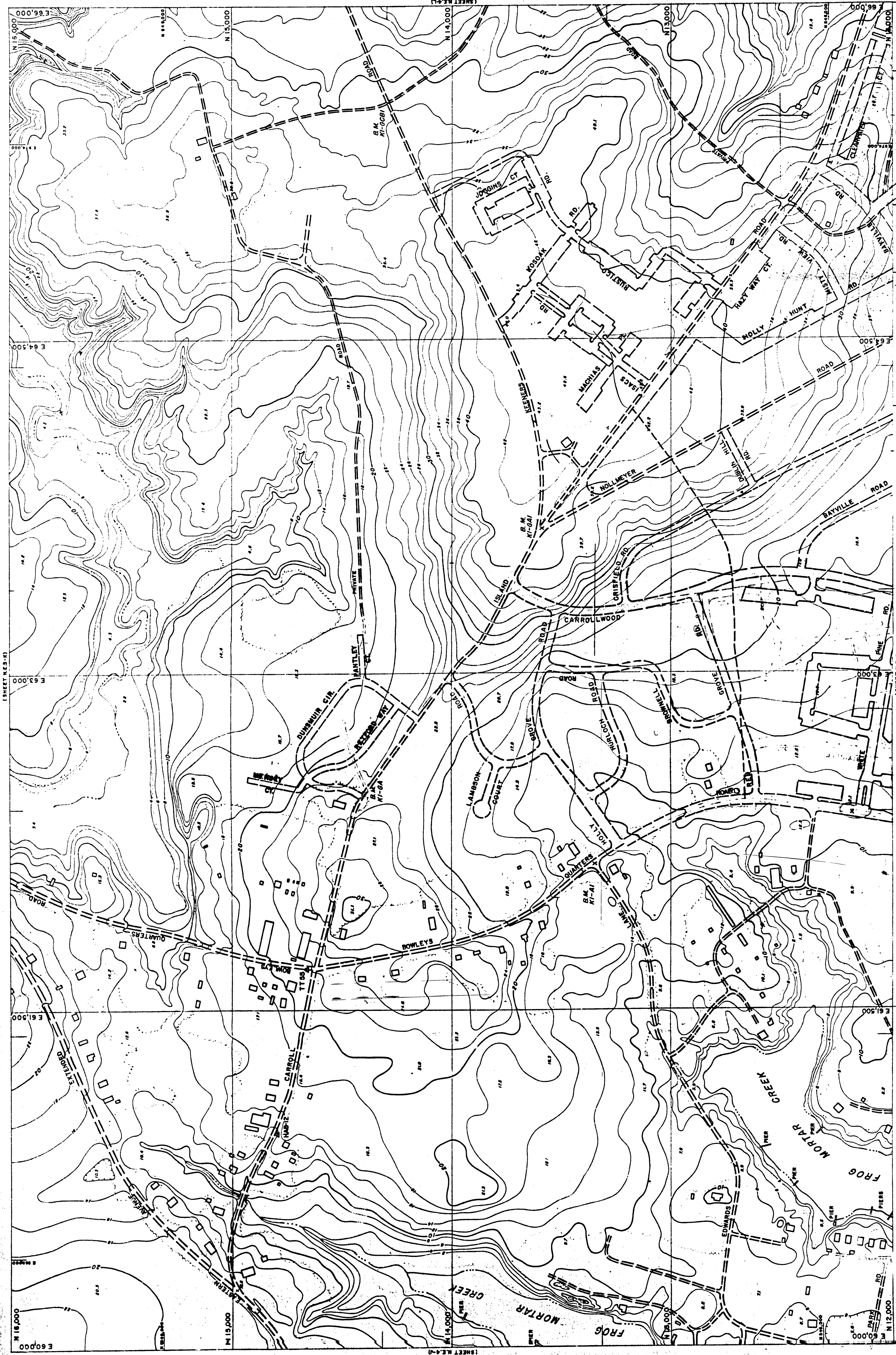
298



REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	GLENN L. MARTIN AIRPORT	N.E. 4-J
Topography Compiled By Photogrammetric Methods ABRAMS AERIAL SURVEY CORP LANSING MICH.				

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

Z-NW



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE 1" = 200'	LOCATION BENGIES BOWLEYS QUARTERS	N.E. 4-K
BY	DATE			
JLR	2/3/53			
		DATE OF PHOTOGRAPHY		
		DEC. 1954		

Topography Compiled By Photogrammetric Methods
AERIAL SURVEY CORP. LANSING, MICH.
AERIALS

Topography Compiled by Photogrammetric Methods
AERIAL SURVEY CORP. LANSING, MICH.

1-NE Z V

May 17, 1999

Lawrence Schmidt
Zoning Commissioners Office
County Courts Building
Room #405
Towson, MD 21204

RE: Case No. 99-298-SPHA

This letter is a motion to reconsider the order which was written by Commissioner Lawrence Schmidt.

The following is a list of items I need to address to the Commissioner:

1. Special Hearing to proceed with conversion:
 - a). The dwelling in question has always had utilities such as water, electric and now sewage.
 - b). The shed was existing (when I purchased the property in 1980), the permit is to enlarge to 20 x 46.
 - c). The attached elevation survey will reiterate to you that indeed we are at 12 feet, within the Federal Government Guidelines.
 - d). As the petitioner, I would like to update the Commissioner with the improvements we have undergone to improve the property: 1) we have seeded the ground, 2) planted trees and landscaped the shed in question with shrubbery and mulch.
 - e). Floodplain construction requirements were met at building construction which the attached elevation survey will confirm.

Since the Petition for Variance relief seems appropriate, I hope the above facts will also gain the approval of the Department of the Environment.

I have a great respect for the Chesapeake Bay, and for the area in which we live. I feel we have improved the area and have done so within all the regulations.

I would appreciate your reconsideration for the matter at hand. I hope that I have been polite in my inquiry for reconsideration and hope to hear from you soon. Thank you for your attention to this matter.

Sincerely,



John T. O'Shea, Owner
Janet C. Schafer.

Attachments: Elevation Survey for the Floodplain area.

JTO/jcs